

This is what Buckley said about the President of the United States. He is allowed to do that because this rubber-stamp Republican Congress allows him to do it.

I would like to yield to Ms. WASSERMAN SCHULTZ, and hopefully Ms. WASSERMAN SCHULTZ will yield to Mr. DELAHUNT and then yield to you, to talk about, Madam Speaker, what Newt Gingrich, the Speaker of the House of Representatives, former Speaker, is saying about this Congress.

Ms. WASSERMAN SCHULTZ, if you will indulge me, please.

Ms. WASSERMAN SCHULTZ. I would be glad to.

In fact, what is really interesting about these comments from Speaker Gingrich was that he was sitting on a panel of the American Enterprise Institute, a conservative think tank, with former Speaker Foley, the Democratic Speaker who Gingrich succeeded, and they were literally trading head nods back and forth from what one another was saying. And one of the things that Speaker Gingrich commented on was as follows:

"Congress has to think about how fundamentally wrong the current system is. When facing crises at home and abroad," he said, "it's important to have an informed, independent legislative branch coming to grips with this reality, and not sitting around waiting for presidential leadership." And he said so much more than that. Mr. DELAHUNT, I would yield to you. And he went on, on the same day and in the same panel discussion.

Mr. DELAHUNT. Well, I think what he said in a quote that appears here, really, is the summation, if you will, of his disgust with what is occurring in the American political system. He described it as a broken system. These are his words, Newt Gingrich's words:

"The correct answer," Gingrich said, and he is speaking to the remedy, "is for the American people to just start firing people."

Ms. WASSERMAN SCHULTZ. Mr. DELAHUNT, before you yield to Mr. RYAN, he actually went on and I have the rest of his comments from that point. He actually went on and suggested that Congress rediscover its power to supervise the administration. And he said, "The failure to do effective aggressive oversight disservices the country and disservices the President."

I mean, disservices the country and disservices the President. We are not talking about the namby pamby liberals that the Republican leadership always refers to. We are talking about the former Speaker of this House and the leader of the Republican Revolution. This is damning criticism. Damning criticism. Mr. RYAN.

Mr. RYAN of Ohio. I want to thank Mr. MEEK for the opportunity to speak on this point, which Mr. Gingrich stated back in March that they, the Republican majority, are seen by the country as being in charge of a government that can't function.

When you look at what he is talking about, and what even Mr. Gingrich stated the other day on Meet the Press, is that the institutions haven't kept up with the times. And the majority has had now 12 years to try to reform these institutions, and they have made them worse, not better. Because, in the example of FEMA where they appointed horse attorneys, equestrian attorneys to run FEMA, or all the graft and patronage that is going on in Iraq, Mr. DELAHUNT, which you know about better than us and spoke very eloquently about at 11:30 last night by yourself, all of these issues add up.

When you have higher tuition costs, the paycheck you get doesn't buy as much, when you have higher health care costs, when you are worried about your pension, when you have the auto industry collapsing before its very eyes, you have a low minimum wage that hasn't been raised since 1997, you are unable to govern, as Mr. Gingrich said.

Mr. MEEK of Florida. Mr. RYAN, Mr. DELAHUNT, Ms. WASSERMAN SCHULTZ, this is what Republicans are saying. I mean, making history in all the wrong ways.

Ms. WASSERMAN SCHULTZ and I will be back at 11:32 for the last hour here tonight. We hope that you gentlemen will be able to join us.

Mr. RYAN of Ohio. We want to congratulate our 30-something. Ms. WASSERMAN SCHULTZ here was rated "One of the Most Beautiful People on Capitol Hill." And that is quite an honor. It is an honor for us to be here with you. KENDRICK and I and Mr. DELAHUNT didn't even make the list. I don't even think we were nominated. But we have all have roles to play, and unfortunately, Ms. WASSERMAN SCHULTZ covers them all. [WWW.HouseDemocrats.gov/30-Something](http://WWW.HouseDemocrats.gov/30-Something). All the charts you saw here tonight, and we could maybe get a copy of the Hill newspaper.

Mr. DELAHUNT. That should be put on the Web site. Congresswoman WASSERMAN SCHULTZ.

Mr. RYAN of Ohio. And I thank the leader and our leadership, STENY HOYER and JIM CLYBURN and JOHN LARSON for the opportunity to be here.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore (Ms. Foxx). The Chair must remind members that remarks in debate should not include words that might be construed as vulgar or profane.

Mr. MEEK of Florida. Madam Speaker, can you clarify what is vulgar or profane? Just an inquiry of the Speaker.

The SPEAKER pro tempore. The Chair will be pleased to consult off the record on that question.

#### ASSURING THE FUTURE

The SPEAKER pro tempore. Under the Speaker's announced policy of Jan-

uary 4, 2005, the gentleman from Maryland (Mr. BARTLETT) is recognized for 60 minutes.

Mr. BARTLETT of Maryland. Madam Speaker, I ask unanimous consent to revise and extend.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Maryland?

There was no objection.

Mr. BARTLETT of Maryland. Madam Speaker, in the last year and a half I have come here to the well of the House a number of times to talk about subjects ranging from embryonic stem cells and the challenge of deriving these cells ethically so that we might hopefully enjoy the great potential medical benefits. I have come here to talk about electromagnetic pulse, a very interesting consequence of the detonation of a nuclear weapon above the atmosphere that produces a surge which is very much like a lightning strike everywhere all at once or an enormously enhanced solar storm. And I have come here I think maybe as many as 18 times in the last year and a half to talk about a problem which we as a country and we as a world face, and that is the peaking of oil. We are shortly, I believe, if we haven't already, going to reach the maximum production rate of oil in the world, and then the world will need to deal with how we substitute renewables.

But tonight I come to the floor to talk about something that could very easily become a victim, a casualty of the tyranny of the urgent. All of us are familiar with this phenomenon in our personal lives, in our professional lives; it is true for our country that very frequently the urgent pushes the important off the table. Things you have got to deal with today frequently push things off until tomorrow that you might wait until tomorrow to address.

I want to spend a few moments this evening talking about something that concerns me. We have 10 children in our family, I have 15 grandchildren and two great grandchildren, and I am concerned that I leave them a country as good and great as I found when I was born into this country in 1926.

The story that I want to spend a few moments on tonight begins with a quote from Benjamin Franklin. There are several versions of this. I have one here from the Dictionary of Quotations, requested from the Congressional Research Service. It says, "On leaving Independence Hall at the end of the constitutional convention in 1787, Franklin was asked, 'Well, Doctor, what have we got, a republic or a monarchy?'" Of course, they were very used to a monarchy because that is what they lived under as a colony of England.

According to Dr. James McHenry, a Maryland delegate, he replied, "A republic, if you can keep it."

Another version of this has the question asked by a woman who asked him as he came out of the constitutional convention, "Mr. Franklin, what have

you given us?" And his reply, "A republic, Madam, if you can keep it." And that is what I want to talk about tonight, a republic, and if you can keep it.

So often when I hear people talk about this great country that we live in, they refer to it as a democracy. A speaker can do this after the opening exercises which very frequently may include a Pledge of Allegiance to the flag. And you come to that part of the Pledge which says "and the republic for which it stands." And having just recited that, perhaps without thinking about what it means, the person will get up and talk about this great democracy that we live in and will talk about our commitment in keeping the world safe for democracy.

What is the difference between a democracy and a republic? And why, in our pledge of allegiance to the flag, does it say a republic? And why did Benjamin Franklin emphasize, "A republic, Madam, if you can keep it"?

An example of a democracy, and I was interested to find that this was a quote from Benjamin Franklin, too. A good example of a democracy is two wolves and a lamb voting on what they are going to have for dinner. You see, in a pure democracy, the will of the majority controls; and that there are two wolves and one lamb and they cast votes on what they are going to have for dinner, it very well might be lamb.

I kind of hesitate to use the next example of a democracy because I really don't want to be misunderstood, Madam Speaker. But if you will just think about it, I think you will realize that a lynch mob is an example of a democracy, because clearly in a lynch mob the will of the majority is being expressed.

□ 2240

Are you not glad you live in a republic? What is the difference? A democracy is majority rule. What happens is what the majority wishes. In a pure democracy, there are no elected leaders. The people simply vote, and that is what happens. The laws represent the current opinion of the majority of the people.

In a republic, we have the rule of law. One example in our history that helps me understand this is an experience with Harry Truman. Take charge, Harry. You remember the characterization. The steel mills were striking and the economy was already in trouble. In those days, it mattered that the steel mills were striking. Today, much of our steel is made overseas, and it might not matter so much. Then it mattered.

Harry Truman wanted to prevent a worsening of the economy as a result of the strike of the steel mills. So he issued an executive order, and what he did was to nationalize the steel mills. What that meant was that the people who now worked for the steel mills were government employees because he had nationalized them, and as such,

they could not strike. I remember that was a very popular action.

But the Supreme Court met in emergency session, and in effect what they said, by the way, I think this is just one of two times that the Courts have overridden an executive order of the President, and what the Supreme Court said was in effect was, Mr. President, no matter how popular that is, you cannot do it because it violates the Constitution.

You see, in a republic, we have the rule of law; and the law in this Republic in which we are privileged to live is fundamentally the Constitution. I have here a small copy of the Constitution. It is not a very big document; but, oh, what an important document it is.

I hear us talking about wanting a democracy in Iraq, and I keep asking myself the question, Is that really what we want in Iraq, a democracy? You see, we have three groups there, the Shiia, the Sunni and the Kurds, and the largest of these far and away are the Shiia. They were oppressed for many years under Saddam Hussein by the Sunni, and if we had a pure democracy there, surely the will of the majority would be to oppress the Sunni and maybe the Kurds as they have been oppressed for these number of years under Saddam Hussein.

I think what we really want in Iraq is a republic. We want the rule of law, which says that you cannot discriminate against any people, any ethnic group, that you cannot oppress any ethnic group.

I thought that what we wanted to do in Iraq represented a pretty steep hill to climb. There is no nation around Iraq that has anything like the government that we would like them to have. They are bordered by countries which are dictatorships. We call them royal families, but they are dictatorships. They have got lots of money, and so they can be benevolent dictators, but nevertheless, they are really dictatorships. Then they have countries that have kings, Jordan and Syria.

The only country that comes even close to the kind of government we would like them to have is Turkey, but they have a very interesting situation in Turkey. The most respected institution in Turkey is the military, and three times in the last several years the military has thrown out the government and told them to try again, that they are not doing very well.

I have a quote here from Benjamin Franklin that I thought was very interesting and relevant to Iraq. It says only a virtuous people are capable of freedom. As nations become more corrupt and vicious, and you see the attacks in Iraq, as a nation becomes more corrupt and vicious, they have more need of masters.

I went to the Web to see what it had to say about democracies versus republics, and I found this little discussion: in constitutional theory and in historical analyses, especially when considering the Founding Fathers of the

United States, the word "democracy" refers solely to direct democracy. By that, they mean where the people directly determine what the laws will be, whilst a representative democracy where representatives of the people govern in accordance with a Constitution is referred to as a republic.

Using the term "democracy" to refer solely to direct democracy retains some popularity in United States conservative and libertarian circles. The original framers of the United States Constitution were notably cognizant of what they perceive as danger of majority rule and oppressing freedom of the individual.

For example, James Madison in *Federalist Paper No. 10* advocates a constitutional republic over a democracy precisely to protect the individual from the majority. However, at the same time, the framers carefully created democratic institutions and major open-society reforms within the United States Constitution and the United States Bill of Rights. They kept what they believed were the best elements of democracy but mitigated by a Constitution, with protections for individual liberty, balance of power and a layered Federal structure forming what we now call a constitutional republic.

A couple of interesting observations about some of the limitations of a democracy. I have one here from Benjamin Franklin; and whether he knew it or not, he was paraphrasing Socrates because I think the earliest quote came from Socrates. Benjamin Franklin said when people find they can vote themselves money, that will herald the end of the republic. I think he really meant democracy, because if it is truly a republic, then you cannot vote yourself money. Then you could not do it. Socrates wisely observed that a democracy is doomed when its citizens can vote themselves moneys from the public Treasury.

This concerns me. When more than half of the American people benefit from big government, I think that will be a tipping point; and if you think our deficits are big now, just watch what they could be when we pass that tipping point.

The second part of his statement, if you can keep it, what were his concerns? We cannot get inside Benjamin Franklin's head to know what he was referring to, but we can only kind of surmise by putting this quote in context.

In his day, 11 years after the Declaration of Independence, and by the way it took us 11 years to write our Constitution, so let us have a little patience in Iraq, please. Eleven years after writing the Declaration of Independence, the United States of America, this new fledgling country was far away from any other major power. It had just about a decade before defeated the most important power of that day, the superpower, the colonial superpower of that day, England; and so I doubt that

Benjamin Franklin was concerned about the loss of this Republic from without. We were isolated by these oceans. We had just defeated a major world power, and so I doubt that Benjamin Franklin was concerned about a threat from without.

Today, I have little concern for a threat from without. This one person out of 22 in the world has about exactly half of all the military in all the world. We spend about as much money on the military as all the rest of the world put together, and I do not regret this because I tell you, if we do not get that right, if we do not have a military adequate to protect ourselves, nothing else that we do will matter much, will it?

□ 2250

I think that Benjamin Franklin was more concerned about a threat to this republic from within.

Just 50-odd years after this, at the beginning of our country, a young Frenchman by the name of Alex de Tocqueville spent several years visiting our country. Already this new country was the envy of the world, and Alex de Tocqueville wrote a thesis on his observation of America. His two-part book, entitled *Democracy in America*, is still hailed as the most penetrating analysis of the relationship of character to democracy ever written. And this is how he summed up his experience.

"In the United States, the influence of religion is not confined to the manners, but shapes the intelligence of the people. Christianity there reins without obstacle by universal consequence. The consequence is, as I have before observed, that every principle in a moral world is fixed and in force." And then this great quote from Alex de Tocqueville. "I sought for the key to the greatness and genius of America in her great harbors, her fertile fields, and boundless forests; in her rich mines and vast world commerce; in her universal public school system and institutions of learning. I sought for it in her Democratic Congress and in her matchless constitution. But not until I went into the churches of America and heard her pulpits flame with righteousness did I understand the secret of her genius and power. America," he said, "is great because America is good. And if America ever ceases to be good, America will cease to be great."

Have you ever asked yourself the question, Madam Speaker, of why we are so fortunate? This one person out of 22 in the world has a fourth of all the good things in the world. How did we get here? We are no longer the hardest working people in the world. That was a characteristic that helped make us great. We no longer have the most respect for technical education in the world. The Chinese this year will graduate more English speaking engineers than we graduate, and a big percent of our graduating engineers will be Chinese students. We no longer have the best work ethic in the world. We no

longer have the most respect for the nuclear family. Why are we so fortunate?

I think, Mr. Speaker, for two reasons, and I want to spend just a couple of moments talking about these, because I think that if we aren't careful, we could be at risk of losing what our forefathers bequeathed us and Benjamin Franklin's concern "if you can keep it" may be realized.

I think one of the reasons that we are such a fortunate people is because our Founding Fathers believed that God sat with them at the table when they deliberated and wrote the Constitution. I think that they believed that God guided them in what they did.

You wouldn't believe from our history books today, which have been bled dry of any reference to our Christian heritage, that our early Congress purchased 20,000 copies of the bible to distribute to its new citizens. You wouldn't believe that for 100 years this Congress voted money for missionaries to the American Indians.

President Adams made an interesting observation, which I will just paraphrase. He said that our Constitution was written for a religious people; that it would serve the purposes of no other. He was the President of the American Bible Society, as was his son, John Quincy Adams, who noted in his later years that of those two presidencies, the Presidency of the United States and the Presidency of the American Bible Society, that he valued more the Presidency of the American Bible Society.

I don't know if you noted, Mr. Speaker, but in the Declaration of Independence, God is mentioned four or five times, depending upon how you relate these statements. That is of considerable interest to me, because we are now considering whether or not the Supreme Court would look at if it is okay to say "under God" in the Pledge of Allegiance to the flag. Let me read these references in our Declaration of Independence to God.

It says, "the separate and equal station to which the laws of nature and of nature's God entitled them." And then in the next paragraph, it says, "we hold these truths," and all of us, Mr. Speaker, know these words. We repeat them so often. "We hold these truths to be self-evident; that all men are created equal." Now, if you are created, there is a God somewhere, isn't there? That "all men are created equal and they are endowed by their creator with certain unalienable rights."

Mr. Speaker, never state or assume that the rights that you have come from your government. These rights come from God, and it is the responsibility of your government to make sure that they are not taken away from you.

And then I look further through the Declaration of Independence, and there is this one phrase here that when you read this, you just have to smile. You wonder what was in the minds of our

Founding Fathers. I have no idea what King George had done that required them to write this complaint, but, you know, it is prophetic. I think there is no better way to describe our regulatory agencies. And they used such poetic language then. What they said was, "he has erected a multitude of new offices and sent hither swarms of officers to harass our people and eat out their substance." I smiled when I read that, and I thought what better definition could we have of our regulatory agencies.

And then near the end of the Declaration of Independence, in the last paragraph, "we therefore, the representatives of the United States of America in general Congress assembled, appealing to the supreme judge of the world." That has to be God, doesn't it? And then in the last sentence of this last paragraph, it says, "and for the support of this declaration, with a firm reliance on the protection of divine providence." Another reference to God.

So five times in the Declaration of Independence our Founding Fathers referenced God. He was important in their life. They wanted him to be important in their country.

And I don't know if you knew it, Mr. Speaker, or not, because we seldom sing that far, but I have here the Star-Spangled Banner, written by Francis Scott Key. I pass his grave several times a week. It is in Frederick, Maryland. Let me read the third stanza of this. We seldom sing that, and I doubt that one American in fifty could recite it for you.

"And where is that band who so vauntingly swore that the havoc of war and the battle's confusion, a home and a country should leave us no more? Their blood has washed out their foul footsteps' pollution. No refuge could save the hireling and slave from the terror of flight or the gloom of the grave: And the Star-Spangled Banner in triumph doth wave o'er the land of the free and the home of the brave."

And then this last verse: "O thus be it ever when free-men shall stand between their loved home and the war's desolation; blest with victory and peace, may the heaven-rescued land praise the power that hath made and preserved us a nation! Then conquer we must, when our cause it is just, and this be our motto: In God is our trust! And the Star-Spangled Banner in triumph shall wave o'er the land of the free and the home of the brave."

I wonder, Mr. Speaker, if our courts might somehow declare the Star-Spangled Banner and the Declaration of Independence unconstitutional because they mention God?

□ 2300

Now I have a wonderful quote here from Benjamin Franklin. The time was June 28, 1787. Benjamin Franklin was 81 years old, Governor of Pennsylvania, and probably the most honored member of the Constitutional Convention. The convention was deadlocked over

several key issues of State and Federal rights when Franklin rose and reminded them of the Continental Congress in 1776 that shaped the Declaration of Independence.

By the way, one of the issues that divided them and almost prevented us from having a Constitution was the concern that they somehow draft a Constitution that would assure that the large States could not trample on the rights of the smaller States. And this is what he said:

"In the days of our contest with Great Britain when we were sensible of danger, we had daily prayer in this room for divine protection. Our prayers, sir, were heard and they were graciously answered. All of us who were engaged in the struggle," and it was the struggle for independence, "must have observed frequent instances of superintending providence in our favor. To that kind providence we owe this happy opportunity to establish our Nation. And have we now forgotten that powerful friend? Do we imagine that we no longer need His assistance?"

And then this part of the quote which I really love:

"I have lived, sir, a long time, and the longer I live, the more convincing proofs I see of this truth, that God governs in the affairs of men.

"If a sparrow cannot fall to the ground without His notice, it is probable that a new Nation cannot rise without His aid. We have been assured, sir, in the sacred writings that except the Lord build the house, they labor in vain that build it."

And then a request that set a precedent that we honor to this day. This very day in this Congress we follow the tradition that Benjamin Franklin started with this request:

"I therefore beg leave to move that henceforth prayers imploring the assistance of heaven and its blessings on our deliberations be held in this assembly every morning before we proceed to any business."

Mr. Speaker, I often reflect on the fact that the only place in our great country that you cannot pray is in our schools. And I wonder what our Founding Fathers would say about that. So I think that one of the reasons that we are such a blessed country, a blessed people, is because our Founding Fathers believed that God sat with them at the table, that He guided their efforts, and I think we put at risk this privileged position that we have in the world if we deny that heritage. And I am concerned as the Ten Commandments come down from the courthouse walls and the nativity scenes disappear from the public square and the Supreme Court is going to take a look at whether it is okay to say "under God" in the Pledge of Allegiance to the flag.

A second reason that I think that we are a great, free country is because of the enormous respect that our Constitution shows for the civil liberties of our people. The ink was hardly dry on the Constitution before our Founding

Fathers were concerned that it might not be clear that their intent was to have a very limited central government; that essentially most of the rights, most of the power should stay with the people. And so they wrote the first 10 amendments, which we know as the Bill of Rights. They started as 12 in that process of two-thirds vote of the House and two-thirds vote of the Senate and ratification by three-fourths of the State legislatures; and 10 of those 12 made it through, and we know them as the Bill of Rights.

And, Mr. Speaker, as you go down through those Bill of Rights, you will see that time after time it talks about the rights of the people.

And, by the way, that first amendment, so simple the establishment clause of the first amendment that it really is quite a marvel how it is misinterpreted. You see, our Founding Fathers came here to escape two tyrannies. One was the tyranny of the Church and the other was the tyranny of the Crown. In England there was a state church. It was the Episcopal Church. And in most of the countries on the continent of Europe, there was a state church. It was the Roman Church. And those churches were empowered by the state, and they could, and did, oppress other religions.

I have such great respect for our Founding Fathers because when they came here, they did a perfectly human thing. In Old Virginia Roman Catholics could not vote. But when it came time to write these first amendments to the Constitution, they finally had figured it out that that was not what they came here for. They came here to establish a country that provided freedom to worship as you chose. So they wrote a very simple establishment clause, and it meant just what it says: "Congress shall make no law respecting an establishment of religion." Please do not establish a religion. And, furthermore, do not prohibit the free exercise thereof, or prohibiting the free exercise thereof. That is all it means.

Mr. Speaker, our Founding Fathers would be astounded if they could be resurrected and see that we had interpreted this very clear language as requiring freedom from religion. You see, they meant it to assure freedom of religion, and there is a big difference.

I mentioned that they came here to escape two tyrannies. The second was the tyranny of the Crown. And I know my liberal friends do not like to reflect on it and they really abbreviate the second amendment, which, they say, reads the right of the people to keep and bear arms shall not be infringed. That is in the second amendment, but that is not the second amendment.

The second amendment, you see, deals with their concerns that never ever would a small oligarchy in the seat of government be able to take over and oppress the people. So this is what they said: "A well regulated militia, being necessary to the security of a free state, the right of the people to

keep and bear arms, shall not be infringed."

I asked them, Mr. Speaker, what do you think that means? You know, they do not want to think what that means, so they change the subject. But in most of these first 10 amendments there is explicitly stated or implicitly stated the rights of the people: the right of the people peaceably to assemble; the right of the people to keep and bear arms. And over and over it is talking about the right of the people.

Notice, Mr. Speaker, that this does not say "citizen." I am not always pleased with the decisions of our courts, but I really believe that this Republic we live in is so essential to who we are and our favored status in the world that words do matter. And when the Court says that illegal aliens are people, they are protected by the Constitution, Mr. Speaker, maybe we need to amend the Constitution to say when you read "people" in the Constitution, please read that as "citizen." But that is not what it said. And I am very concerned that we do not rationalize away the clear wording of the Constitution. I think the enormous respect that we have for the rights of the individual, for the civil liberties of individuals, has established a milieu, a climate, in which creativity and entrepreneurship can flourish.

□ 2310

I think that is one of the reasons that we are such a privileged people. And I think, Mr. Speaker, that if we permit any erosion of these rights given to us by God and guaranteed to us by our Constitution, that we put at risk the favored status that we have in the world.

I am concerned, Mr. Speaker, that it may already be happening. I think that Benjamin Franklin may have had a concern when he said if you can keep it, that we might just ignore the Constitution. And I think with all of the best intentions that we are walking that path. We are doing that today.

I want to talk about three things that we spend a lot of time on here and we spend a lot of money on in our country. I am not saying, Mr. Speaker, that we shouldn't be doing these things. What I am saying is that if we want to do them, we need to amend the Constitution, because I don't think there is any basis in the Constitution for our involvement in these three things.

First, let me note how we rationalize that it is okay to do these three things. First let me mention what they are, because that will relate to the rationalization.

The first of these is philanthropy. I have a very interesting quote from Davy Crockett on philanthropy. A second of them is health care. A third one is education.

How do we rationalize that it is okay for us to be involved in this? Well, they go to the preamble to the Constitution. They read "We the People of the

United States, in Order to form a more perfect Union, establish Justice, ensure domestic Tranquility, provide for the common defense, promote the general Welfare."

There it is. They say "welfare," so we now can be involved in philanthropy because it is there in the preamble to the Constitution.

I would note, Mr. Speaker, if they read on and came to Article I, Section 8, which defines the responsibilities of the Congress, that they would note that it says there "provide for the common defense and general welfare of the United States."

They are talking about the corporate welfare, not welfare as we use it today instead of philanthropy.

The second justification they use is the commerce clause, "to regulate commerce with foreign nations and among the several states and with the Indian Tribes." So they rationalize that if it crosses a State line, we can have control.

Now, I would submit, Mr. Speaker, that if that was the intent of the Founding Fathers, they never, ever, would have written the Ninth and Tenth Amendments. The Tenth Amendment, by the way, is the most violated amendment in the Constitution. The Ninth Amendment, this was written in old English and kind of legalese. "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people."

What does that say in everyday English? What it says is that just because the Constitution doesn't identify a right as belonging to the people, unless it specifically is given to government, it belongs to the people.

Then the Tenth Amendment, this is a really interesting amendment. "The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."

In common, everyday English, what this says is if you can't find it in Article 8, the Federal Government can't do it, because Section 8 of this Article enumerates the powers of the Congress. I will read those in just a moment.

I had a very interesting experience here in this very spot probably 12, 13 years ago when I first came to the Congress. I was given 3½ minutes of debate time. That is a long time, as those many viewers who watch C-SPAN recognize. We were voting on something that I thought was unconstitutional.

So I took my Constitution and I turned to Article I, Section 8. That is just the words between my two thumbs here, by the way, it is less than 2 pages in this small document, and I went through it summarizing each of the articles there. The Congress has power to lay and collect tax. Boy, we know how to do that. To borrow money. We are doing that big time. To regulate commerce, to establish a uniform rule of naturalization. It goes on.

Then I finished my debate and I turned to walk up that center aisle, and the recording clerk, who is recording everything we say here tonight and was then, came walking up the aisle after me and tapped me on the shoulder and asked me, "What was that you were reading from?" They take down what we read, but they like to have a written copy if they can.

I thought that that was very interesting. The recording clerk, who sits here day after day listening to Members of Congress, heard the Constitution so infrequently that when it was read, the recording clerk didn't know it was the Constitution.

When asked that question, I said, "Oh, it is the Constitution." And the clerk said, "Can I see it?" And so I had it open like this. "Can I copy it?" They took it and copied it on the copy machine. I would suggest, Mr. Speaker, that this reflects a trend that we somehow need to deal with.

What have we come to? Much of what we do here, as I said before, I don't find any basis in the Constitution for. I am not saying we shouldn't do it. All I am saying, Mr. Speaker, is I have a big concern that when we simply ignore or rationalize the Constitution so that we can do something that is not specifically permitted by the Constitution, I wonder tomorrow how we might be rationalizing away these great civil liberties, these great rights given to us by God and protected by our Constitution.

Health care. By the way, we don't really have a very good health care system in our country. We have a really good sick care system. If you think about it, you really don't get involved in that system until you are sick. Maybe, Mr. Speaker, if we had a better health care system, we would be spending less money on our sick care system.

Also education. In a moment I am going to read this in the Constitution. It is very short. I want you to stop me, Mr. Speaker, when I come to that part in Article I, Section 8, that says it is okay for us to be involved in health care, that it is okay for us to be involved in education, that it is okay for us to be involved in philanthropy.

By the way, I have never met anybody who had a good, warm feeling on April 15 because so much of their tax money goes to philanthropy. I think that is a great tragedy. The Bible says it is more blessed to give than to receive, and yet I find no one who has a good, warm feeling on April 15 because so much of the tax money that is taken from them is used in philanthropy. What a shame, that the government has usurped the role of philanthropist and our people are denied that experience.

I had a really interesting experience in our church. Our kids don't go out trick-or-treating, so they went out before Halloween and left bags at the homes and said, "We will come back on Halloween. If you put some food in

there, we will make up some food baskets for Thanksgiving." So they did that, and with the ladies in the church, they made up food baskets.

Then they called the welfare people and said, "We need some needy families that we can take these food baskets to." The welfare people were indignant. "What do you mean, needy families? Families that need food? What do you think we are here for?" And I thought, what a tragedy that government unconstitutionally, I believe, has usurped the role of philanthropist.

□ 2320

The Government unconstitutionally, I believe, has usurped the role of philanthropists. I have here a very interesting experience from Davy Crockett, who was a Congressman. And if you will do a web search for just Davy Crockett and farmer, it will come up. Because it is a very interesting story.

I was one day in the lobby of the House of Representatives when a bill was taken up appropriating money for the benefit of a widow of a distinguished naval officer. It seemed to be that everybody favored it. The Speaker was just about to put the question when Crockett arose.

Everybody expected, of course, that he was going to make a speech in support of the bill. And this is what he said: "Mr. Speaker, I have as much respect for the memory of the deceased and as much sympathy for the suffering to the living, if suffering there be, as any man in this House. But we must not permit our respect for the dead or our sympathy for a part of the living to lead us into an act of injustice to the balance of the living. I will not go into argument to prove that Congress has no power under the Constitution to appropriate this money as an act of charity. Every Member upon this floor knows it."

We have the right as individuals to give away as much of our own money as we please in charity, but as Members of Congress, we have no right to appropriate a dollar of the public money.

Now, how did Davy Crockett get to that position? This is a very interesting story. You will find it fascinating reading. We do not have time this evening to go into it. But Davy Crockett, before this, was out campaigning. Before that campaign ride on his horse there was a fire that they could see from the steps of the Capitol in Georgetown. And they went there and several wooden buildings in those days were burning.

Davy Crockett and other Members of Congress worked very hard to put out the fire. And when the fire was finally out, there were a number of people who were homeless. And among them were women and children. And, of course, their heart went out to these women and children.

So the next morning in the Congress here, the primary item of business was

doing something about those poor people who were victims of the fire. And so they voted \$20,000 for these victims of the fire. And that done, they went onto other business and Davy Crockett forgot about it.

Then about a year later, he was out campaigning. And it was mostly rural then. And he was on his horse. There was a farmer with his team who was plowing. So Davy Crockett times his horse so that he gets to the farmer just as he comes to the end of the row.

He speaks to the farmer. And the farmer is very cold. And finally he tells him, he says, "Yeah, I know who you are, you are Davy Crockett. I voted for you last time you ran, but I cannot vote for you again."

And then he made a very interesting statement. He said, "I suppose you are out electioneering now. But you had better not waste your time or mine, I shall not vote for you again."

Davy Crockett said, "this was a sock-dolager", I don't know what a sock-dolager is, but that is what he said. And this is what the man said: "You gave a vote last winter which shows that either you have no capacity to understand the Constitution or that you are wanting the honesty and firmness to be guided by it. In either case you are not the man to represent me."

Well, Davy Crockett was finally convinced that he had not understood the Constitution. He asked the man, gee, I really would like to apologize. I would like to explain to the people that I am now a new man, I understand the Constitution.

He said, if you will get a few people together and have a barbecue, I will pay for it. He said, well, we won't need you to pay for it. But if you come a week from this coming Saturday, we will have a barbecue. And Davy Crockett came and there were 1,000 people there that he spoke to and apologized for his vote in the Congress.

Now, I want to read from the Constitution. And I want you to stop me, it will not take very long to read. I want you to stop me, Madam Speaker, when I come to that part that says that it is okay for us to be involved in education, in philanthropy, and in health care.

The Congress shall have power to lay and collect taxes, duties, imports and excises, to pay the debts, to provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States;

To borrow money on the credit of the United States; to regulate commerce with foreign Nations, and among the several States, and with the Indian Tribes; to establish a uniform Rule of Naturalization, and uniform laws on the subject of bankruptcies throughout the United States; to coin money, regulate the value thereof, and of foreign coin, and fix the Standard of Weights and Measures; to provide for the punishment of counterfeiting the securities and current coin of the United States; to establish Post Offices and

post roads; to promote the progress of science and useful arts by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries; to constitute Tribunals inferior to the Supreme Court; to define and punish piracies and felonies committed on the high seas, and offenses against the laws of Nations.

I will not read the rest of this, because I tell you all of the rest of the Constitution deals with just two things, and read it to affirm that this is correct.

All of this part deals with the Congress and its responsibility for the military. We declare war. This is not the King's army. We declare war. Raise and support armies and so forth.

Then the last couple of paragraphs here deal with the District of Columbia, and then to make all of the laws necessary to enforce the above. Now, where, Madam Speaker, was there any reference to our right to be involved in these three things? I am not saying that we should not be doing these things, I am simply saying that if we are going to do them, I am very concerned that we should not do them by ignoring the Constitution.

If they are good and proper things to do, we should have amended the Constitution. We have done it 27 times. I do not mind doing it again. But I really mind ignoring the Constitution. Because let me tell you why, we are engaged now in a war. I have no idea when the war will end.

Civil liberties are always a casualty of war. Abraham Lincoln, my favorite President, suspended habeas corpus. And during World War II, we interred the Japanese Americans. My friend, Norm Minetta, with whom I served in this House, Secretary of Transportation, several years younger than I. He says, "Roscoe, I remember holding my parents hand as they led us into that concentration camp in Idaho."

That war is over. And we are now a bit embarrassed that we did that. The civil war is over. And we got back habeas corpus. But I am concerned that we not permit this war to result in an erosion of our civil liberties. I do not know when the war will end.

I have a great quote here. It is probably not from Julius Caesar, because it did not appear in print, as far as we know, until what, 01. It probably was not passed down by word of mouth until that time. But this ascribed to Julius Caesar.

I think it so reflects this inherent reaction of people to a war situation. "Beware of the leader who bangs the drums of war in order to whip the citizenry into a patriotic fervor. For patriotism is indeed a double-edged sword, it both emboldens the blood just as it narrows the mind. And when the drums of war have reached a fever pitch, and the blood boils with hate, and the mind is closed, the leader will have no need in seizing the rights of the citizenry, rather the citizenry, infused with fear

and blinded by patriotism will offer up all of their rights unto the leader, and gladly so. How do I know? For this is what I have done, and I am Julius Caesar."

That is probably not Julius Caesar. But it does, I think, reflect a common tendency on the part of people.

Benjamin Franklin, I do not know if he was the first to say it, "if you will up your freedom to get security, at the end of the day you will neither have freedom nor security, or you will deserve neither freedom nor security."

□ 2330

We are now at war. When will this war end? I want to make very sure that I bequeath to my kids and my grandkids more than an ever increasing debt, more than an energy deficient world. I want this great free country to be bequeathed to them just as I got it from my fathers.

This was a great new experiment. We weren't certain it was going to succeed. I am reading here from the Gettysburg Address, and Abraham Lincoln recognized this as an experiment which might not succeed. I don't know if you have thought about that in this Gettysburg Address.

Four score and seven years ago our fathers brought forth on this continent, a new Nation, conceived in liberty, and dedicated to the proposition that all men are created equal.

Not so in England and Europe, was the divine right of kings.

Now we are engaged in a great civil war, testing whether this Nation, or any nation so conceived and so dedicated, can long endure.

And then he ended that Gettysburg Address with almost a prayer, that this Nation, under God, shall have a new birth of freedom, and that that government of the people, by the people, and for the people shall not perish from the earth.

This has been a great experiment. We are the most blessed people on the planet. It has been said by a number of people that the price of freedom is eternal vigilance.

What will our children inherit? Unfortunately, we are going to bequeath to them an enormous debt, the largest intergenerational debt transfer in the history of the world. We are going to bequeath to them a world with deficient energy to run a society as we run ours. Will we also bequeath to them a Constitution gutted by apathy where the civil liberties of our people are at risk?

Mr. Speaker, the world needs the United States and for the United States to be the great free powerful country that it is. I believe that we need to be very vigilant in protecting these great civil liberties given to us by our Creator and guaranteed to us by our Constitution.

### 30-SOMETHING WORKING GROUP

The SPEAKER pro tempore. Under the Speaker's announced policy of January 4, 2005, and under a previous order